IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3562 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SARVODAYA KELAVANI MANDAL

Versus

GOVT. OF GUJARAT

Appearance:

1. Special Civil Application No. 3562 of 1992

MR JD AJMERA for Petitioner

MR PR ABICHANDANI AGP for Respondent No. 1 & 3

MR HEMANG RAVAL for MR AD OZA for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 30/07/2002

ORAL JUDGEMENT

#. Heard learned counsel Shri Ajmera for petitioner,

Mr.Hemang Raval for Mr.A.D.Oza for respondent No.2, Mr.P.R.Abichandani, learned AGP for respondent Nos.1 and 3.

#. Learned counsel Mr.Ajmera tried to address the court on merits of the case and seriously challenged the impinged order passed by the State of Gujarat on various grounds. In my considered opinion, it cannot be said that the submissions made by Mr.Ajmera has no force. But the fact is that the impugned order challenged in this petition is passed way back in 1991 i.e. almost 11 years back. In absence of any interim relief granted in favour of the petitioner, I am of the considered opinion that new school has already been started and working since 11 years, therefore what has been done cannot be undone after 11 years. Thus, by passage of such long time, I do not want to interfere with the impugned order without expressing any opinion on merits of the case. Accordingly this petition is dismissed. Rule discharged.

(B.J.Shethna, J.)
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